REMARKS

Applicant acknowledges the allowance of claims 3, 5, and 6. New claim 9 is dependent on allowed claim 5 and should therefore also be allowable.

New claims 7 and 8 are dependent n claim 1 and do not add any new matter and do place the application in better condition for appeal. Therefore it is requested that the claims be entered for purposes of placing the application in condition for allowance or for purposes of appeal. Claims 1, 2, and 4 were rejected under 35 U.S.C. 103(a) over Ikeda et al. The Examiner correctly states that Ikeda does not necessarily disclose a spline having a major axis with a length greater than the minor axis (claims 1, 2, 4, 6 and 7).

The Examiner has stated that the oval construction of our spline falls within the teachings of Ikeda. since Ikeda states on page 5 lines 8-14 that

> "Up to...equivalent results are obtained even if the cross section is square or polygonal for the **spacer shape. It**...all types of variations of the design are included within the scope of the present invention."

However, Ikeda clearly only teaches that the shape of his spline can only have two axes which are of equal length whether or not the shape is round, square or polygonal. **Ikeda does not suggest a non-equivalent shape** that acts differently than their shape. The attached 132 Declaration clearly sets forth that **our spline does not act equivalently to the spline of Ikeda.**

Ikeda does not suggest that by using an oval spine having open pockets on a major axis and a minor axis and wherein the major axis is longer that the minor axis that the cable would have

(1) **Reduced alien cross talk** at higher frequencies that 350+ MHz cable are designed for.

(2) Our spline **optimally orientates the' long and short lay length pairs for minimum conductor length differences.** Long lay pairs are on the "major" axis and short lay pairs are on the "minor" axis. The major and minor cable axis increase the amount of long lay pair lay

[redacted]

UTP's in the cable", and the minor axis decreases the amount of short pair lay UTP's in the cable. This equalized pair length geometry equalizes attenuation differences between the longest and shortest pair lay lengths in the cable.

(3) **NEXT is improved with th longest pair lays being separated along the major spline's axis.** In UTP cables, the longer the lay, the more difficult it is to reduce cross talk. A typical spline tends to compromise between making sure the long lay pairs are separated enough, and this also over separates the short lay UTP's. **The short lay DTP's are ideally located along the minor cable axis since physical separation isn't as much need as in the long",lay pairs.**

(4) Attenuation in a UTP cable is increased when the pairs contact the outer jacket material. Dissipation factor ratings and dielectric absorption, characteristics of the jacket material are responsible for this increase in attenuation. The short lay UTP 's are affected by excessive jacket material contact due to their still longer conductor length. By placing the short lay pairs along the,' short minor axis of the cables, less **jacket material is in contact with the short lay pairs. The longer lay pairs, which have the benefit of shorter conductor lengths, are placed along the major axis where a greater degree of cable jacket contact takes place. The pair orientation around our spline reduces the attenuation effects on the most appropriate pair lays.**

(5) Our spline enables a more equalized conductor length with a given lay set, which more equally distributes pulling and installation loads.

(6) With our spline longer pair lays can be used than would be thought possible for a given level of NEXT reducing the need for "larger" conductor diameters to lower attenuation. This makes the pairs easier to handle and terminate.

(7) An oval jacket shape, which would be obtained when using our spline, places bend loads primarily across the minor short to short lay pair axis which puts the bending stresses across the pair lays which are better able to endure bending loads due to the shorter lay, or helix.

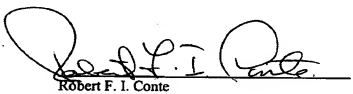
Ikeda does not suggest or even hint that such advantages could be had by using our spline which has a major axis which is longer than its minor axis. The prior art must suggest the changes **and reasons** for the changes. The suggestions can not come from applicant's application. As set forth in *In re Kotzab, 55 USPQ2d 1313*, the CAFC stated substantial evidence is needed to support an obvious analysis. "Most, if not all inventions arise from a combination of old elements...Thus, every element of a claimed invention may often be found in the prior art." to establish obviousness...there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the appellant."

[redacted]

Further, Ikeda does not suggest what substitutions should be made to arrive at applicant's invention. The suggestions are made by the Examiner, after reading applicant's invention, and not Ikeda. As noted above this can not be the basis for refusing a patent - as set forth by the CAFC in *In re Kotzab, 55 USPQ2d 1313.*

Ikeda discloses that all pockets are the same size and that his spline has two axes with the same length. There is no teaching or suggestion by Ikeda that this relationship should be changed even if the shape of the spline and/or pockets ore changed. That is, all the pockets and axes should remain equal to each other so that the spline is equivalent to the cylindrical spline shown by Ikeda. Applicant has clearly shown that his spline **is not equivalent to a cylindrical spline wherein** the axes are equal. Therefore it is respectfully requested that the rejection of claims 1, 2 and 4 and their dependent claims be withdrawn and a notice of allowance issued or that this amendment be entered for purposes of appeal.

Respectfully submitted,



Robert F. I. Conte
Barnes & Thornburg
Suite 4500
One North Wacker Drive
Chicago, IL 60606
Phone: 312-214-4804
Facsimile: 312-759-5646

Attorney for Applicant
Registration No.: 20,354

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